

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MELINDA M. TURNER,)
Plaintiff,)
v.)
JAMES B. PEAKE, Secretary, United States)
Department of Veteran Affairs,)
Defendant.)
No. 4:08-CV-1910 CAS

ORDER

The Court having granted plaintiff leave to file her Second Amended Complaint, which was filed on May 12, 2009, pending motions pertaining to the First Amended Complaint should be denied without prejudice as moot. Pure Country, Inc. v. Sigma Chi Fraternity, 312 F.3d 952, 956 (8th Cir. 2002).

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss is **DENIED** without prejudice as moot. [Doc. 10]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 15th day of May, 2009.